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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,900	10/25/2000	JON DAKSS	WMI-004CPI (8415/5)	3366
23363	7590	12/21/2005	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			VU, NGOC K	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			2611	

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/695,900	Applicant(s) DAKSS ET AL.	
	Examiner Ngoc K. Vu	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 14, 15 and 17-31 is/are rejected.
- 7) ☒ Claim(s) 12 and 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 10-15 and 17-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 19 is indefinite because there is no antecedent basis for the limitation "the number of objects" in lines 2-3.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 14, 15 and 23-31 are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (U.S. 5,929,849 A).

Regarding claim **10**, Kikinis discloses a method for indicating to a viewer of a hyperlinked television broadcast that an object of a video frame (image entity such as car in a video advertisement or an actor/actress in television program) has associated therewith hyperlinked information (see figures 2A, 2C and col. 5, lines 17-23), the method comprising:

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determining whether the object in the video frame is viewable during a particular shot (the receiver 11 determines whether the image entity in the video frame is viewable during a particular scene – see col. 6, lines 64-67; col. 10, lines 43-50; col. 9, lines 9-23);

displaying an interactive content icon (i.e., icon 57) responsive to the determination that the object is viewable during the particular shot (displaying an icon 57 during the particular scene of the BMW advertisement), the icon for indicating that the object has hyperlinked information (i.e., WWW URLs) associated therewith (see figures 2A, 2C; col. 6, lines 50-53); and

visually highlighting the object during the particular shot (the image may be highlighted – see col. 5, lines 23-26; col. 7, lines 14-15).

Regarding claim 14, Kikinis discloses that the icon is displayed in response to a signal contained within the hyperlinked television broadcast (i.e., in response to position information or data from a television broadcast signal - see col. 6, lines 50-63).

Regarding claim 15, Kikinis discloses that the icon is displayed in response to a change in a video image that is displayed (i.e., the icon is displayed in BMW advertisement, wherein the advertisement is displayed between portions of TV programs – see col. 6, lines 64-67 and figure 2A).

Regarding claim 23, Kikinis discloses that the object is visually highlighted in response to a user command (see col. 7, lines 14-17; col. 10, lines 51-55).

Regarding claim 24, Kikinis discloses that in the scene or the program may includes several entities (i.e., objects), and the each identified entity is enhanced in display such as an enhanced brightness (a halo) (see col. 5, lines 22-27; col. 10, lines 46-50; col. 9, lines 9-23).

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Regarding claim **25**, Kikinis discloses that the object is associated with a visibility indicia (i.e., halo) indicative of whether the object is viewable during the particular shot (i.e., particular scene of the advertisement or TV program) (see col. 5, lines 22-27; col. 3, lines 28-32).

Regarding claim **26**, Kikinis discloses a hyperlinked television broadcast reception system for indicating to a viewer of a hyperlinked television broadcast that an object of a video frame (image entity such as car in a video advertisement or an actor/actress in television program) has associated therewith hyperlinked information (see figures 2A, 2C and col. 5, lines 17-23), the system comprising:

- a display (51, 53 – see figure 1);

- a processor (19 – see figure 1);

- a memory (49 – see figure 1) operably coupled to the processor and having program instructions (codes or control routines 48) stored therein (see figure 1), the processor being operable to execute the program instructions (see col. 7, lines 38-56), the program instructions including:

- determining whether the object in the video frame is viewable during a particular shot (the receiver 11 determines whether the image entity in the video frame is viewable during a particular scene – see col. 6, lines 64-67; col. 10, lines 43-50; col. 9, lines 9-23);

- displaying an interactive content icon (i.e., icon 57) responsive to the determination that the object is viewable during the particular shot (displaying an icon 57 during the particular scene of the BMW advertisement), the icon for indicating that the object has hyperlinked information (i.e., WWW URLs) associated therewith (see figures 2A, 2C; col. 6, lines 50-53);
- and

- visually highlighting the object during the particular shot (the image may be highlighted – see col. 5, lines 23-26; col. 7, lines 14-15).

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Claim 27, see rejection of claim 23 above.

Claim 28, see rejection of claim 24 above.

Claim 29, see rejection of claim 25 above.

Regarding claim 30, Kikinis shows that the icon 57 is displayed with a visual effect, i.e., specific icon or emblem for a certain brand of automobile such as Ford, Chevrolet or BMW, that automatically changes with time, wherein each change of the visual effect is accompanied with an automatic change of an object in the video frame that is visually highlighted (in a particular car advertisement for a certain brand of automobile, an icon may be presented in each frame at a particular position in the frame at a predetermined time, for example, displaying a specific icon accompanied with a BMW car in the video frame 55 that is visually centered attention on – see col. 6, lines 50-63 and figure 2A).

Regarding claim 31, Kikinis teaches displaying the icon 57 on screen until the viewer interacts with the advertisement for viewing additional information (see col. 7, lines 48-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A).

Regarding claims 21 and 22, Kikinis discloses that the icon could be the specific symbol used for that brand of automobiles such as Ford, Chevrolet or BMW (see col. 6, lines 56-58).

Kikinis further discloses that the icon displays a time period remaining until an interaction

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opportunity will occur (i.e., until the viewer activates the cursor to touch the icon for viewing the additional information – see col. 7, lines 57-67). Kikinis does not disclose that the icon comprises an alphanumeric character. Official Notice is taken that an icon comprises an alphanumeric character or letter is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kikinis by displaying an icon comprising an alphanumeric character to effectively attract the viewers.

8. Claims 11 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849 A) in view of Dunn et al. (US 5,648,824 A).

Regarding claims **11 and 17**, Kikinis does not disclose that the icon reflects a subset of the buttons on the remote control, and the icon is displayed in response to a viewer's use of a remote control, respectively. However, Dunn suggests that displaying icon 100 provides control buttons corresponding to buttons 70 on remote control 40 in response to user's use of the remote control (see col. 5-6, lines 61-2 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Kikinis by displaying icon provides control buttons corresponding to buttons on remote control as suggested by Dunn in order to provide viewer an on-screen visual aid controlling presentation of video.

Regarding claim **18**, Kikinis discloses that the icon conveys information about content of the hyperlinked information associated with the object (see col. 7, lines 40-42).

Regarding claim **19**, Kikinis shows that the icon conveys information about the number of objects (i.e., the plurality of image entities) having hyperlinked information associated therewith (see figure 2C; col. 10, lines 43-45).

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Regarding claim **20**, Kikinis discloses that the icon conveys information about action associated with the object for allowing the user to access web pages via selecting URLs (see col. 7, lines 40-42; col. 8, lines 1-22).

Allowable Subject Matter

9. Claims 12-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Ngoc K. Vu
Primary Examiner
Art Unit 2611

December 14, 2005